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Rec no 453

[HOUSE BILL]

HOUSE OF REPRESENTATIVES, Feb. 10, 1864.—Read first and second times, postponed, placed on the Calendar, ordered to be printed, and made special order for Saturday morning next.

[By Mr. CLARK, from Committee on Deceased Soldiers' Claims.]

A BILL

To be entitled "An Act to facilitate the settlement of claims of deceased officers and soldiers.

1 SECTION 1. *The Congress of the Confederate States of America do*
2 *enact*, That there shall be appointed by the President, by and
3 with the advice and consent of the Senate, an additional officer
4 for the Treasury Department, to be called the fourth Auditor of
5 the Treasury, who shall be charged with the auditing of the claims
6 of deceased officers and soldiers in accordance with the laws relat-
7 ing thereto, and who shall receive for his services a salary of
8 dollars per annum; and the clerical force in said office shall con-
9 sist of one chief clerk, with a salary of dollars per annum;
10 and a register with a salary of dollars per annum; and one
11 superintendent of division for each State, with a salary of
12 dollars per annum each; and such other clerical force as may be
13 deemed necessary by the Secretary of the Treasury to expedite

14 the business of this Bureau, and with such salaries as are now
15 allowed to similar clerkships in the other Auditor's offices.

1 SEC. 2. *Be it further enacted,* That the office of the fourth
2 Auditor shall be divided into separate divisions of claims for
3 each State, with a superintendent for each division: *Provided,*
4 That the claims for the States of Arkansas, Missouri, Kentucky,
5 Maryland and Tennessee, shall be included in the division for
6 Tennessee, and shall be under the charge of the superintendent
7 for that State, and that each of said superintendents shall be a
8 citizen of the State represented by his division, and shall be
9 selected with strict reference to his experience and qualifications
10 in his department.

1 SEC. 3. *Be it further enacted,* That the claims filed from any
2 State shall be settled in the division for such State, in accordance
3 with the laws and rules heretofore controlling in the office of the
4 second Auditor, and in accordance with such orders and regula-
5 tions as may be hereafter issued and approved by the Secretary
6 of War: *Provided,* That the fourth Auditor shall have discre-
7 tionary power, equitably, to determine and amend immaterial
8 omissions or points of evidence, when satisfied of the justice
9 thereof, so as to avoid the suspension of claims for trivial causes:
10 *Provided further,* That the claims, when so settled, shall not be
11 subjected to reference or the revision of any other officer of the
12 Government whatever.

1 SEC. 4. *Be it further enacted*, That the Fourth Auditor and
2 the Superintendent of the Division for each State shall have free
3 access to the rolls, records, books, &c., in any of the Depart-
4 ments for the use of said Division; and it shall be the duty of
5 the Quartermaster General to file the pay rolls received in his
6 office in the office of the fourth Auditor, to be used in the divi-
7 sions for the States to which the troops so paid belonged, as soon
8 after the reception thereof as the business of his office will
9 permit; and the superintendents of said divisions shall classify
10 the same according to the companies, battalions, regiments, &c.,
11 from said State, and keep the same separately for such compa-
12 nies, battalions, &c., in order for convenient access thereto.

1 SEC. 5. *Be it further enacted*, That the fourth Auditor shall
2 immediately cause each State division to be provided with a book
3 of record, showing the name, rank, company and regiment of
4 every officer or soldier who has died or been killed in the service
5 of the Confederate States from each State, and also showing the
6 date, cause and place of death, and his last payment, and by
7 whom, with payment for bounty and other allowances, and exhi-
8 biting a final statement of amount due from or to the Confederate
9 States for all pay, clothing, bounty, allowances, or receipts, on
10 account of such deceased soldier; and to enable the fourth
11 Auditor to perfect said books of record speedily, it is hereby
12 made the especial duty of all officers of Government whatsoever

13 to respond instantly and fully, as far as their records will per-
14 mit, to any calls for such information from the fourth Auditor ;
15 and, for said purpose, the fourth Auditor is hereby further
16 authorized to send an agent for each State to the troops in the
17 field from said State, and to whom transportation for this purpose
18 shall be granted, to obtain from the various commanders final
19 statements of deceased soldiers, and said lists, when so obtained,
20 shall be taken and used as evidence in the settlement of claims :
21 *Provided*, That where such cannot be or have not been ascer-
22 tained, the fourth Auditor shall have and exercise the equitable
23 discretionary power named in the third section of this act, the
24 intent and meaning of which is to facilitate the settlement of the
25 claims of deceased soldiers without delay.

1 Sec. 6. *Be it further enacted*, That where any State shall,
2 by legislative enactment, cause the appointment of a special
3 agent to adjust and settle the claims of its deceased soldiers,
4 such agent shall have free access to investigate said claims at all
5 times, shall be empowered to take and certify testimony as a
6 judicial officer, and in case of immaterial omissions in forms of
7 application, date of death, or other incorrect description, where
8 the substance and justice of the claim and the identity of
9 the deceased and claimant are ascertained to the satisfaction of
10 the superintendent of the State division, may in conjunction
11 with said superintendent, where both are agreed, supply the

12 necessary points by mutual certificate to the Auditor, who may
13 allow the same as sufficient evidence.

1 SEC. 7. *Be it further enacted.* That in case when there is
2 neither widow, child, or children, father, and mother, the arrears
3 of pay, &c., due to any deceased officer or soldier may be paid to
4 to the brothers and sisters equally upon such proof as is now
5 required of said widow, child, or children, &c., by existing laws.

1 SEC. 8. *Be it further enacted.* That the certificates issued on
2 soldier's claims shall be paid by any paymaster, or quartermaster,
3 or the Treasurer of the Confederate States on presentation and
4 in preference to any other accounts; that they shall be made
5 payable alone to the ascertained representative or his executor
6 or administrator, and not to attorneys or other parties. But
7 may be assigned by the claimant in writing thereon to any other
8 individual.

1 SEC. 9. *Be it further enacted,* That the appointments, other
2 than those at present employed in the settlement of these claims,
3 shall be from persons not liable to conscription, and that said
4 auditor and his clerks shall hereafter be entirely exempt from
5 military duty, except such as may be required in the preserva-
6 tion and defence of the public property in their charge.

1 SEC. 10. *Be it further enacted,* That in case of doubt arising
2 in the interpretation of this act, the Fourth Auditor shall be

3 authorized to obtain the opinion of the Attorney General, through
4 the Secretary of the Treasury.

1 SEC. 11. *Be it further enacted*, That when claims are filed in
2 the office of the Fourth Auditor it shall be his duty to acknowl-
3 edge the receipt thereof forthwith, and, if they are found to be
4 materially defective in preparation or evidence, he must cause
5 them to be returned forthwith to the claimants with special
6 instructions for amendment.

1 SEC. 12. *Be it further enacted*, That when it is proven that
2 any officer or soldier was wounded and fell into the hands of the
3 enemy and nothing has been heard from such wounded officer or
4 soldier for six months, this fact shall be deemed sufficient to
5 presume death at the time when wounded; and the claim shall
6 be audited and paid as if the death had been returned by the
7 proper officer.

1 SEC. 13. *Be it further enacted*. That all existing laws conflict-
2 ing with this act are hereby repealed.